

## Coast Guard, DHS

## § 165.506

the following vessels or individuals on board those vessels:

(i) Public vessels of the United States.

(ii) Public vessels owned or operated by the Commonwealth of Virginia or its subdivisions for law enforcement or firefighting purposes.

(iii) Vessels owned by, operated by, or under charter to Newport News Shipbuilding and Dry Dock Co.

(iv) Vessels that are performing work at Newport News Shipbuilding and Dry Dock Co., including the vessels of subcontractors and other vendors of Newport News Shipbuilding and Dry Dock Co. or other persons that have a contractual relationship with Newport News Shipbuilding and Dry Dock Co.

(v) Vessels that are being built, rebuilt, repaired, or otherwise worked on at or by Newport News Shipbuilding and Dry Dock Co. or another person authorized to perform work at the shipyard.

(vi) Vessels that are authorized by Newport News Shipbuilding and Dry Dock Company to moor at and use its facilities.

(vii) Commercial shellfish harvesting vessels taking clams from the shellfish beds within the zone, if

(A) The owner of the vessel has previously provided the Captain of the Port, Hampton Roads, Virginia, information about the vessel, including:

(1) The name of the vessel;

(2) The vessel's official number, if documented, or state number, if numbered by a state issuing authority;

(3) A brief description of the vessel, including length, color, and type of vessel;

(4) The name, Social Security number, current address, and telephone number of the vessel's master, operator, or person in charge; and

(5) Upon request, information the vessel's crew.

(B) The vessel is operated in compliance with any specific orders issued to the vessel by the Captain of the Port or other regulations controlling the operation of vessels within the security zone that may be in effect.

(d) *Enforcement.* The U.S. Coast Guard may be assisted in the enforcement of this zone by the U.S. Navy.

[CGD5 86-03, 51 FR 18322, May 19, 1986, as amended by CGD5 87-038, 52 FR 41996, Nov. 2, 1987]

### § 165.505 Security Zone; Calvert Cliffs Nuclear Power Plant, Chesapeake Bay, Calvert County, Maryland.

(a) *Location.* The following area is a security zone: All waters of the Chesapeake Bay, from surface to bottom, encompassed by lines connecting the following points, beginning at 38°26'06" N, 076°26'18" W, thence to 38°26'10" N, 076°26'12" W, thence to 38°26'21" N, 076°26'28" W, thence to 38°26'14" N, 076°26'33" W, thence to beginning at 38°26'06" N, 076°26'18" W. These coordinates are based upon North American Datum (NAD) 1983.

(b) *Regulations.* (1) Entry into or remaining in this zone is prohibited unless authorized by the Coast Guard Captain of the Port, Baltimore, Maryland.

(2) Persons desiring to transit the area of the security zone may contact the Captain of the Port at telephone number 410-576-2693 or on VHF channel 16 (156.8 MHz) to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port or his or her designated representative.

(c) *Authority.* In addition to 33 U.S.C. 1231 and 50 U.S.C. 191, the authority for this section includes 33 U.S.C. 1226.

[CGD05-02-080, 68 FR 15053, Mar. 28, 2003]

### § 165.506 Safety Zones; Fifth Coast Guard District Fireworks Displays.

(a) *Locations.* (1) *Patuxent River, Solomons Island, MD, Safety Zone.* All waters of Patuxent River within a 300 yard radius of the fireworks barge in an area bound by the following points: 38°19'42" N, 076°28'02" W; thence to 38°19'26" N, 076°28'18" W; thence to 38°18'48" N, 076°27'42" W; thence to 38°19'06" N, 076°27'25" W; (Datum NAD 1983), thence to the point of origin, located near Solomons Island, MD.

(2) *Middle River, Baltimore County, MD, Safety Zone.* All waters of the Middle River within a 300 yard radius of

the fireworks barge in approximate position 39°17'45" N, 076°23'49" W (Datum NAD 1983), approximately 300 yards east of Rockaway Beach, near Turkey Point.

(3) *Northeast River, North East, MD, Safety Zone.* All waters of the Northeast River within a 300 yard radius of the fireworks barge in approximate position 39°35'26" N, 075°57'00" W (Datum NAD 1983), approximately 400 yards south of North East Community Park.

(4) *Upper Potomac River, Alexandria, VA, Safety Zone.* All waters of the Upper Potomac River within a 300 yard radius of the fireworks barge in approximate position 38°48'37" N, 077°02'02" W (Datum NAD 1983), located near the waterfront of Alexandria, Virginia.

(5) *Potomac River, Prince William County, VA, Safety Zone.* All waters of the Potomac River within a 200 yard radius of the fireworks barge in approximate position 38°34'08" N, 077°15'34" W (Datum NAD 1983), located near Cherry Hill, Virginia.

(6) *Potomac River, Charles County, MD, Safety Zone.* All waters of the Potomac River within a 300 yard radius of the fireworks barge in approximate position 38°20'36" N, 077°14'09" W (Datum NAD 1983), approximately 1400 yards north of the shoreline at Fairview Beach, Virginia.

(7) *Baltimore Inner Harbor, Patapsco River, MD, Safety Zone.* All waters of the Patapsco River within a 150 yard radius of the fireworks barge in approximate position 39°16'55" N, 076°36'17" W (Datum NAD 1983), located at the entrance to Baltimore Inner Harbor, approximately 150 yards southwest of pier 6.

(8) *Northwest Harbor (Western Section) Patapsco River, MD, Safety Zone.* All waters of the Patapsco River within a 250 yard radius of the fireworks barge in approximate position 39°16'37" N, 076°35'54" W (Datum NAD 1983), located near the western end of Northwest Harbor.

(9) *Northwest Harbor (East Channel), Patapsco River, MD, Safety Zone.* All waters of the Patapsco River within a 300 yard radius of the fireworks barge in approximate position 39°15'55" N, 076°34'35" W (Datum NAD 1983), located adjacent to the East Channel of Northwest Harbor.

(10) *Patapsco River (Middle Branch), Baltimore, MD, Safety Zone.* All waters of the Patapsco River, Middle Branch, within an area bound by a line drawn from the following points: 39°15'22" N, 076°36'36" W; thence to 39°15'10" N, 076°36'00" W; thence to 39°15'40" N, 076°35'23" W; thence to 39°15'49" N, 076°35'47" W; thence to the point of origin, (Datum NAD 1983), located approximately 600 yards east of Hanover Street (SR-2) Bridge.

(11) *Washington Channel, Upper Potomac River, Washington, DC, Safety Zone.* All waters of the Upper Potomac River within a 150 yard radius of the fireworks barge in approximate position 38°52'09" N, 077°01'13" W (Datum NAD 1983), located within the Washington Channel in Washington Harbor, DC.

(12) *Dukeharts Channel, Potomac River, MD, Safety Zone.* All waters of the Potomac River within a 300 yard radius of the fireworks barge in approximate position 38°13'48" N, 076°44'37" W (Datum NAD 1983), located adjacent to Dukeharts Channel near Coltons Point, Maryland.

(13) *Severn River and Spa Creek, Annapolis, MD, Safety Zone.* All waters of the Severn River and Spa Creek within an area bounded by a line drawn from 38°58'39.6" N, 076°28'49" W; thence to 38°58'41" N, 076°28'14" W; thence to 38°59'01" N, 076°28'37" W; thence to 38°58'57" N, 076°28'40" W (Datum NAD 1983), located near the entrance to Spa Creek in Annapolis, Maryland.

(14) *Miles River, St. Michaels, MD, Safety Zone.* All waters of the Miles River within a 200 yard radius of the fireworks barge in approximate position 38°47'42" N, 076°12'23" W (Datum NAD 1983), located near the waterfront of St. Michaels, Maryland.

(15) *Susquehanna River, Havre de Grace, MD, Safety Zone.* All waters of the Susquehanna River within a 150 yard radius of the fireworks barge in approximate position 39°32'42" N, 076°04'30" W (Datum NAD 1983), approximately 800 yards east of the waterfront at Havre de Grace, MD.

(16) *Chesapeake Bay, Chesapeake Beach, MD, Safety Zone.* All waters of the Chesapeake Bay within a 150 yard radius of the fireworks barge in approximate position 38°41'33" N, 076°31'48" W

(Datum NAD 1983), located near Chesapeake Beach, Maryland.

(17) *Tred Avon River, Oxford, MD, Safety Zone.* All waters of the Tred Avon River within a 150 yard radius of the fireworks barge in approximate position 38°41'48" N, 076°10'38" W (Datum NAD 1983), approximately 500 yards northwest of the waterfront at Oxford, MD.

(18) *Choptank River, Cambridge, MD, Safety Zone.* All waters of the Choptank River within a 300 yard radius of the fireworks launch site at Great Marsh Point, located at 38°35'06" N, 076°04'46" W (Datum NAD 1983).

(19) *Chester River, Kent Island Narrows, MD, Safety Zone.* All waters of the Chester River, within an area bound by a line drawn from the following points: 38°58'50" N, 076°15'00" W; thence north to 38°59'00" N, 076°15'00" W; thence east to 38°59'00" N, 076°14'46" W; thence southeast to 38°58'50" N, 076°14'28" W; thence southwest to 38°58'37" N, 076°14'36" W, thence northwest to 38°58'42" N, 076°14'55" W, thence to the point of origin, (Datum NAD 1983), located approximately 900 yards north of Kent Island Narrows (US-50/301) Bridge.

(20) *Atlantic Ocean, Ocean City, MD, Safety Zone.* All waters of the Atlantic Ocean in an area bound by the following points: 38°19'39.9" N, 075°05'03.2" W; thence to 38°19'36.7" N, 075°04'53.5" W; thence to 38°19'45.6" N, 075°04'49.3" W; thence to 38°19'49.1" N, 075°05'00.5" W; (Datum NAD 1983), thence to point of origin. The size of the proposed zone extends approximately 300 yards offshore from the fireworks launch area located at the High Water mark on the beach.

(21) *Isle of Wight Bay, Ocean City, MD, Safety Zone.* All waters of Isle of Wight Bay within a 350 yard radius of the fireworks barge in approximate position 38°22'32" N, 075°04'30" W (Datum NAD 1983).

(22) *Assawoman Bay, Fenwick Island—Ocean City, MD, Safety Zone.* All waters of Assawoman Bay within a 360 yard radius of the fireworks launch location on the pier at the West end of Northside Park, in approximate position 38°25'57.6" N, 075°03'55.8" W (Datum NAD 1983).

(23) *Atlantic Ocean, Rehoboth Beach, DE, Safety Zone.* All waters of the At-

lantic Ocean within a 360 yard radius of the fireworks barge in approximate position 38°43'01.2" N, 075°04'21" W (Datum NAD 1983), approximately 400 yards east of Rehoboth Beach, DE.

(24) *Indian River Bay, DE, Safety Zone.* All waters of the Indian River Bay within a 360 yard radius of the fireworks launch location on the pier in approximate position 38°36'42" N, 075°08'18" W (Datum NAD 1983), about 700 yards east of Pots Net Point, DE.

(25) *Little Egg Harbor, Parker Island, NJ, Safety Zone.* All waters of Little Egg Harbor within a 500 yard radius of the fireworks barge in approximate position 39°34'18" N, 074°14'43" W (Datum NAD 1983), approximately 100 yards north of Parkers Island.

(26) *Barnegat Bay, Ocean Township, NJ, Safety Zone.* All waters of Barnegat Bay within a 500 yard radius of the fireworks barge in approximate position 39°47'33" N, 074°10'46" W (Datum NAD 1983).

(27) *Delaware Bay, North Cape May, NJ, Safety Zone.* All waters of the Delaware Bay within a 500 yard radius of the fireworks barge in approximate position 38°58'00" N, 074°58'30" W (Datum NAD 1983).

(28) *Delaware River, Essington, PA, Safety Zone.* All waters of the Delaware River within a 300 yard radius of the fireworks barge in approximate position 39°51'18" N, 075°18'57" W (Datum NAD 1983), due west of Little Tinicum Island.

(29) *Delaware River, Philadelphia, PA, Safety Zone.* All waters of Delaware River, adjacent to Penns Landing, Philadelphia, PA, bounded from shoreline to shoreline, bounded on the south by a line running east to west from points along the shoreline at 39°56'31.2" N, 075°08'28.1" W; thence to 39°56'29.1" N, 075°07'56.5" W, and bounded on the north by the Benjamin Franklin Bridge (Datum NAD 1983).

(30) *Chesapeake Bay, Norfolk, VA, Safety Zone.* All waters of the Chesapeake Bay within a 400 yard radius of the fireworks display located in position 36°57'21" N, 076°15'00" W; (Datum NAD 1983), located near Ocean View Fishing Pier.

(31) *Broad Bay, Virginia Beach, VA, Safety Zone.* All waters of the Broad

Bay within a 400 yard radius of the fireworks display in approximate position 36°52'08" N, 076°00'46" W (Datum NAD 1983), located on the shoreline near the Cavalier Golf and Yacht Club, Virginia Beach, Virginia.

(32) *Chickahominy River, Williamsburg, VA, Safety Zone.* All waters of the Chickahominy River within a 400 yard radius of the fireworks display in approximate position 37°14'50" N, 076°52'17" W (Datum NAD 1983), near Barrets Point, Virginia.

(33) *York River, Yorktown, VA, Safety Zone.* All waters of the York River within a 400 yard radius of the fireworks display in approximate position 37°14'14" N, 076°30'02" W (Datum NAD 1983), located near Yorktown, Virginia.

(34) *James River, Newport News, VA, Safety Zone.* All waters of the James River within a 325 yard radius of the fireworks barge in approximate position 36°58'30" N, 076°26'19" W (Datum NAD 1983), located in the vicinity of the Newport News Shipyard, Newport News, Virginia.

(35) *Chesapeake Bay, Virginia Beach, VA, Safety Zone.* All waters of the Chesapeake Bay 400 yard radius of the fireworks display in approximate position 36°55'02" N, 076°03'27" W (Datum NAD 1983), located at the First Landing State Park at Virginia Beach, Virginia.

(36) *York River, West Point, VA, Safety Zone.* All waters of the York River near West Point, VA within a 400 yard radius of the fireworks display located in approximate position 37°31'25" N/076°47'19" W (Datum NAD 1983).

(37) *Chincoteague Channel, Chincoteague, VA, Safety Zone.* All waters of the Chincoteague Channel within a 360 yard radius of the fireworks launch location at the Chincoteague carnival waterfront in approximate position 37°55'40.3" N, 075°23'10.7" W (Datum NAD 1983), approximately 900 yards southwest of Chincoteague Swing Bridge.

(38) *Atlantic Ocean, Virginia Beach, VA, Safety Zone.* All waters of the Atlantic Ocean enclosed within a 360 yard radius of the center located on the beach at approximate position 36°51'34.8" N, 075°58'30" W (Datum NAD 1983).

(39) *Elizabeth River, Southern Branch, Norfolk, VA, Safety Zone.* All waters of the Elizabeth River Southern Branch

in an area bound by the following points: 36°50'54.8" N, 076°18'10.7" W; thence to 36°51'7.9" N, 076°18'01" W; thence to 36°50'45.6" N, 076°17'44.2" W; thence to 36°50'29.6" N, 076°17'23.2" W; thence to 36°50'7.7" N, 076°17'32.3" W; thence to 36°49'58" N, 076°17'28.6" W; thence to 36°49'52.6" N, 076°17'43.8" W; thence to 36°50'27.2" N, 076°17'45.3" W thence to the point of origin (Datum NAD 1983).

(40) *Morehead City Harbor Channel, NC, Safety Zone.* All waters of the Morehead City Harbor Channel that fall within a 360 yard radius of latitude 34°43'01" N, 076°42'59.6" W, a position located at the west end of Sugar Loaf Island, NC.

(41) *Cape Fear River, Wilmington, NC, Safety Zone.* All waters of the Cape Fear River within an area bound by a line drawn from the following points: 34°14'12" N, 077°57'07.2" W; thence to 34°14'12" N, 077°57'06" W; thence to 34°13'54" N, 077°57'00" W; thence to 34°13'54" N, 077°57'06" W; thence to the point of origin (Datum NAD 1983), located 500 yards north of Cape Fear Memorial Bridge.

(42) *Cape Fear River, Southport, NC, Safety Zone.* All waters of the Cape Fear River within a 600 yard radius of the fireworks barge in approximate position 33°54'40" N, 078°01'18" W (Datum NAD 1983), approximately 700 yards south of the waterfront at Southport, NC.

(43) *Big Foot Slough, Ocracoke, NC, Safety Zone.* All waters of Big Foot Slough within a 300 yard radius of the fireworks launch site in approximate position 35°06'54" N, 075°59'24" W (Datum NAD 1983), approximately 100 yards west of the Silver Lake Entrance Channel at Ocracoke, NC.

(44) *Green Creek and Smith Creek, Oriental, NC, Safety Zone.* All waters of Green Creek and Smith Creek that fall within a 300 yard radius of the fireworks launch site at 35°01'29.6" N, 076°42'10.4" W (Datum NAD 1983), located near the entrance to the Neuse River in the vicinity of Oriental, NC.

(45) *Pasquotank River, Elizabeth City, NC, Safety Zone.* All waters of the Pasquotank River within a 300 yard radius of the fireworks launch site in approximate position 36°18'00" N, 076°13'00" W (Datum NAD 1983), approximately

200 yards south of the east end of the Elizabeth City Bascule Bridges.

(46) *Currituck Sound, Corolla, NC, Safety Zone.* All waters of the Croatan Sound within a 300 yard radius of the fireworks barge in approximate position 36°22'48" N, 075°51'15" W (Datum NAD 1983).

(47) *Middle Sound, Figure Eight Island, NC, Safety Zone.* All waters of the Figure Eight Island Causeway Channel from latitude 34°16'32" N, 077°45'32" W, thence east along the marsh to a position located at 34°16'19" N, 077°44'55" W, thence south to the causeway at position 34°16'16" N, 077°44'58" W, thence west along the shoreline to position 34°16'29" N, 077°45'34" W, (Datum NAD 1983), thence back to the point of origin.

(48) *Pamlico River, Washington, NC, Safety Zone.* All waters of the Pamlico River that fall within a 300 yard radius of the fireworks launch site at 35°32'19" N, 077°03'20.5" W (Datum NAD 1983), located 500 yards north of Washington railroad trestle bridge.

(49) *Neuse River, New Bern, NC, Safety Zone.* All waters of the Neuse River within a 360 yard radius of the fireworks barge in approximate position 35°06'07.1" N, 077°01'35.8" W (Datum NAD 1983); located 420 yards north of the New Bern, Twin Span, high rise bridge.

(b) *Notification.* (1) Fireworks barges and launch sites on land in paragraph (a) of this section will have a sign on the port and starboard side of the barge or mounted on a post 3 foot above ground level when on land and facing the water labeled "FIREWORKS—DANGER—STAY AWAY". This will provide on scene notice that the safety zone will be enforced on that day. This notice will consist of a diamond shaped sign 4 foot by 4 foot with a 3-inch orange retro reflective border. The word "DANGER" shall be 10 inch black block letters centered on the sign with the words "FIREWORKS" and "STAY AWAY" in 6 inch black block letters placed above and below the word "DANGER" respectively on a white background.

(2) Coast Guard Captains of the Port in the Fifth Coast Guard District will notify the public of the enforcement of these safety zones by all appropriate means to effect the widest publicity

among the affected segments of the public. Publication in the local notice to mariners, marine information broadcasts, and facsimile broadcasts may be made for these events, beginning 24 to 48 hours before the event is scheduled to begin, to notify the public.

(c) *Enforcement period.* The safety zones in paragraph (a) of this section will be enforced from 5:30 p.m. to 1 a.m. each day a barge with a "FIREWORKS—DANGER—STAY AWAY" sign on the port and starboard side is on-scene or a "FIREWORKS—DANGER—STAY AWAY" sign is posted on land, in a location listed in paragraph (a) of this section. Vessels may not enter, remain in, or transit through the safety zones during these enforcement periods unless authorized by the Captain of the Port or designated Coast Guard patrol personnel on scene.

(d) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene-patrol personnel. Those personnel are comprised of commissioned, warrant, and petty officers of the Coast Guard. Other Federal, State and local agencies may assist these personnel in the enforcement of the safety zone. Upon being hailed by the U.S. Coast Guard vessel by siren, radio, flashing light or other means, the operator of a vessel shall proceed as directed.

(e) *Definitions.*

*Captain of the Port* means any Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port to act on his or her behalf.

*State or local law enforcement officers* mean any State or local government law enforcement officer who has the authority to enforce State criminal laws.

[CGD05-06-091, 72 FR 9439, Mar. 2, 2007]

**§ 165.507 Security Zone; Chesapeake Bay, between Sandy Point and Kent Island, MD.**

(a) *Definitions.* The *Captain of the Port, Baltimore, Maryland* means the Commander, Coast Guard Sector Baltimore, Maryland or any Coast Guard